

BEFORE THE OFFICE OF CAMPAIGN FINANCE
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS
FRANK D. REEVES MUNICIPAL BUILDING
2000-14th STREET, N.W., SUITE 420
WASHINGTON, D.C. 20009
(202) 671-0550

IN THE MATTER OF)	DATE: October 24, 2003
)	
Milton L. Lashley)	DOCKET NO.: 03F-048
Tax Auditor (Former))	
Office of Tax and Revenue)	
7308 Greeley Road)	
Landover, Maryland 20785)	

ORDER

Statement of the Case

This matter came before the Office of Campaign Finance (hereinafter OCF) Office of General Counsel following a determination by its Public Information Records Management Division, that pursuant to the D.C. Code §1-1106.02 (2001 Edition), Milton L. Lashley, Tax Auditor, Office of Tax and Revenue, failed to timely file, a Financial Disclosure Statement for calendar year 2002, on or before May 15, 2003 as required by D.C. Official Code §1-1106.02 and also failed to file on or before the OCF sanctioned extended filing deadline of June 19, 2003.

By Notice of Hearing, Statement of Violations and Order of Appearance dated August 6, 2003, OCF ordered Milton L. Lashley (hereinafter respondent), to appear at a scheduled hearing on August 15, 2003 and show cause why he should not be found in violation of the D.C. Campaign Finance Reform and Conflict of Interest Act of 1974, as amended by D.C. Official Code §§1-1101.01 et seq., and fined accordingly.

Summary of Evidence

OCF alleges that the respondent failed to timely file the statutorily required Financial Disclosure Statement for calendar year 2002, on or before June 19, 2003.

On August 13, 2003, respondent contacted OCF by telephone stating that he has suffered a series of strokes and is now a paraplegic, and will be unable to attend the scheduled hearing. On August 28, 2003, OCF contacted respondent concerning lack of receipt of his affidavit and FDS. Respondent asserted that his daughter had faxed his affidavit on August 21, 2003, but he would ask that she attempt it again. On September 2, 2003, OCF received a written statement from respondent confirming his physical condition. Respondent further stated that his last day of active duty was May 1, 2001,

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and that he retired on disability in January 2003. Respondent stated he would forward his FDS by September 16, 2003. OCF has no record of receipt of respondent's FDS to date.

Findings of Fact

Having reviewed the allegations and the record herein, I find:

1. Respondent timely filed Financial Disclosure Statements with OCF in 2001 and 2000.
2. Respondent ceased active duty on May 1, 2001, and retired from government service on disability in January 2003.
3. Respondent was required to file a Financial Disclosure Statement with OCF for calendar year 2002, on or before June 19, 2003.
4. Respondent asserted by affidavit dated August 21, 2003 that he has suffered a series of strokes and is now a paraplegic.
5. Respondent has no history of prior filing delinquencies.
6. Respondent is currently not in compliance with the statute.

Conclusions of Law

Based upon the record provided by OCF, I therefore conclude:

1. Respondent violated D.C. Official Code §1-1106.02.
2. The penalty established at D.C. Official Code §1-1103.05(b)(3), and 3DCMR §§3711.2(aa), 3711.2 and 3711.4 for failure to timely file a Financial Disclosure Statement required by D.C. Official Code §1-1106.02 is a fine of \$50.00 per day for each business day subsequent to the due date.
3. In accordance with D.C. Official Code §1-1103.05(b)(3), the respondent may be fined a maximum of \$2,000.00 for failing to timely file a Financial Disclosure Statement.
4. For good cause shown pursuant to 3DCMR §3711.6, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.

5. Respondent's physical condition, in light of his prior timely filings, constitutes good cause for suspension of the fine, pending receipt of his Financial Disclosure Statement.

Recommendation

In view of the foregoing and information included in the record, I hereby recommend that the Director suspend the imposition of the fine, pending submission of the Financial Disclosure Statement within 60 days of the issuance of the Order. Further, in light of respondent's physical condition and attempt to file, it is recommended that the OCF Investigator be directed to make himself available to take the Financial Disclosure Statement form to respondent, if necessary.

Date

Jean Scott Diggs
Hearing Officer

Concurrence

In view of the foregoing, I hereby concur with the Recommendation.

Date

Kathy S. Williams
General Counsel

ORDER OF THE DIRECTOR

IT IS ORDERED that the fine be hereby suspended in this matter, pending submission of the required Financial Disclosure Statement within 60 days of issuance of this Order. It is further ordered that the OCF Investigator make himself available to take the Financial Disclosure Statement form to respondent, if necessary.

Date

Cecily E. Collier-Montgomery
Director

SERVICE OF ORDER

This is to certify that I have served a true copy of the foregoing Order.

Rose Rice
Legal Assistant

NOTICE

Pursuant to 3DCMR §3711.5 (1999), any fine imposed by the Director shall become effective on the 16th day following the issuance of a decision and order, if the respondent does not request an appeal of this matter. If applicable, within 10 days of the effective date of this order, please make a check or money order payable to the D.C. Treasurer, c/o Office of Campaign Finance, Suite 420, 2000-14th Street, N.W., Washington, D.C. 20009.